# SCHEDULE OR TABLE

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OF

# FEES AND COSTS,

*PAYABLE TO THE DIFFERENT OFFICERS*

OF THE

## QUARTER SESSIONS OF THE PEACE

IN AND FOR

## The London District.

*TO WHICH IS ADDED,*

A REPORT OF A COMMITTEE OF MAGISTRATES, APPOINTED BY ORDER OF THE COURT OF GENERAL QUARTER SESSIONS, HOLDEN AT LONDON, APRIL 9th, 1839, TO EXAMINE AND REPORT ON A PETITION OF JOHN BURWELL, ESQ. AND OTHER INHABITANTS OF THE LONDON DISTRICT, PRAYING THAT A TABLE OF FEES AND COSTS MAY BE ADOPTED BY THE SAID COURT.

LONDON, APRIL, 1839.

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# REPORT, &c.

## To their Worship the Magistrates in Court of General Quarter Sessions of the Peace assembled:

The Committee appointed by an order of the Court of Quarter Sessions of the Peace held at London in and for the District of London on the 11th day of April 1837—for the purpose of enquiring into and reporting to your honourable Bench, upon the several Acts of the Legislature, and orders of Sessions relative to fees payable to the different Officers of this Court, and to recommend a Table of Fees for adoption, submit their report—and before entering into the subject matter referred to them, beg to state the reasons which have delayed their earlier action upon the said order.—

On assuming the duties assigned your Committee, they found it necessary to refer to the Provincial Statutes, and orders of the Court of Quarter Sessions relating to Fees authorized to be taken by the several officers of your Honourable Court; and the Acts of Parliament for the previous Session not having been received, which contained important provisions coming within the Enquiries of your Committee, and a press of Public business of more immediate importance claiming their attention; prevented them from reporting during the two succeeding Sessions; from which time, the disturbed state of the Country, added to an unusual press of Public business, have prevented your Committee from bringing their labour to an earlier conclusion.

On referring to the Records of this District your Committee find that in January Court of General Quarter Sessions of the Peace held at Vittoria in January 1821, a Table of fees was established by the Magistrates upon the submission by the Clerk of the Peace of several Papers obtained from the Clerks of the Peace in the Niagara, Gore, and Home Districts, and an order of the same Session was passed directing the charges against this District, and parties litigant should be made accordingly.

Your Committee have also examined a large number of Bills of Costs and accounts against the District (submitted by the Clerk of the Peace for a period of nearly eighteen years) and find a most rigid observance has been had to the said order, and to acts of Parliament authorising fees: and they do not observe in any one instance, a departure therefrom.

6 Your committee also find that an allowance of £17 per annum, was granted in lieu of Stationary & Fuel, which continued to be charged against the Funds of the district, until the April Court of General Quarter Sessions, 1835, when an order passed extending the said allowance to the sum of £25 per annum, which order is at present acted upon.

Your Committee likewise find the sum of £17 per annum has been granted to the same officer for transcribing all the lands in detail, which are returned by the several Assessors of Townships, for the Treasurer's Office; a service which your Committee consider very inadequately paid.

Your Committee also find by an order of the Court of General Quarter Sessions of the Peace held at London in January 1831 a Table of Fees was established authorising the Clerk of the Peace to receive from all applicants for Tavern Licences the sum of eleven shillings Cy. for the performance of the following services required by Law previously to obtaining Licence (that is to say) for taking recognizance five shillings, for copy of Regulations two shillings and six pence and for certificate that Recognizance has been entered into, two shillings and six pence. Taking recognizance 1/-

Upon a close examination of the accounts against the District, your committee do not perceive any deviation from the Charges established by Statute or Orders of Court of General Quarter Sessions, with the exception of some small matters of claim which may be considered as incidental to circumstances, and of which your Committee conceive the Court could as well judge of, or form an opinion, as at any other period—that for the year of 1836 and 1837, the Clerk of the Peace received the sum of £186 1 9½ each year—and for 1838 the sum of £187 17 6, as for his current charges against the District in the opinion of your Committee a very limited remuneration for the extent of services performed as compared with other Districts.

The Sheriff of the District has been paid his account annually by order of the Court of General Quarter Sessions of the Peace for Services performed for the District, as set forth in the Table of Fees Established by the Honourable the Judges of the Court of King's Bench, and by orders of Sessions, —and for the transmission of Prisoners, under sentence to the Penitentiary at Kingston, the Expenses actually disbursed, and a fixed allowance for guards, graduated according to the number of Prisoners in charge, has hitherto been paid.

The Coroner has heretofore been allowed the sum of two pounds ten shillings for taking each inquisition. Your Committee recommend these services hereafter be paid according to the scale or Tariff of Fees as annexed.

The Treasurer has by Law a rate of per centage on all monies passing through his hands (4 per cent) with the exception of Road Grants—also the sum of £5 for each return of absentee lands, and an allowance in money is made to him in lieu of Stationary equal to the actual disbursments.

7 The Crier of the Court by the order of the Court of General Quarter Sessions of the Peace passed in April 1839, is allowed the sum of £25 per annum.—His salary prior to that date, was fixed at £20, but owing to the increase of duties of his situation it was found necessary to pay him a small additional allowance.

The High Constable receives by order of Sessions passed in January

1831, the sum of £20 per annum. Your Committee recommend the sum of £25 per annum to be hereafter paid to that officer.

The Gaoler receives by order of Sessions under authority of the 32 Geo. 3 Ch. 8, the sum of £100 per annum. In extreme cases of difficulty a turn key & assistants have been allowed their claims, on being submitted and shewn to the satisfaction of the Court of General Qr. Sessions such to have been required.

A Medical attendant on the Prisoners in the Gaol has been allowed the sum of £25 per annum by order of the Court of General Quarter Sessions of the Peace in April, 1836. Prior to that period, that Gentleman received the sum of £20.

Your Committee find that the mode heretofore adopted for the payment of constables services have been both irregular and inconvenient and to obviate further difficulties, have formed a scale of fees which your committee believe will embrace every description of service required.

Your Committee invite the attention of your honourable Court to the circumstances that this District will, in a very short period, be limited to the County of Middlesex, which will materially reduce the income of the several District officers without a corresponding relief from their most important duties. this will more seriously effect the Clerk of the Peace who will necessarily be compelled to devote his time and attention daily to the business of the District in addition to the employment of a Clerk.

Your Committee believe that your Honorable Court will unite with them in opinion, that the several officers of the District should be sufficiently but not extravagantly paid for all services performed for public or District purposes. With this principle in view they have recommended such a scale or Tariff of Fees, as they trust will meet with the concurrence of your honorable Court—and in conclusion your Committee append a Table or Scale of Fees, shewing the sums to be hereafter paid, and chargeable against the funds of the District.

SIGNED,

*GEO. W. WHITEHEAD, J. P.*
*Chairman.*
*LAWRENCE LAWRASON, J. P.*
*JAMES INGERSOLL, J. P.*
*P. GRAHAM, J. P.*
*DUNCAN McKENZIE, J. P.*
*SHEPARD McCORMICK, J. P.*
*WILSON MILLS, J. P.*
*H. HYNDMAN, J. P.*

(A True Copy,) J. B. ASKIN, *C. P.*

# TABLE OR SCALE OF FEES,

## *PAYABLE TO THE SEVERAL OFFICERS OF THE DISTRICT OF LONDON.*

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| Acts of Parliament Authority. | CLERK OF THE PEACE. To be paid from the District Treasury. | Amount. | | |
|---|---|---|---|---|
| 47 G. III. Chap. 11, Sec. 1. | Drawing precept for Quarter Sessions, attending Commissioners and transmitting to Sheriff, | 1 | 0 | 0 |
| | Attending each Quarter Sessions, | 1 | 10 | 0 |
| | Making up Records of each Quarter Sessions, | 2 | 10 | 0 |
| | Notice of every appointment, | | 1 | 0 |
| | Making up List of Jurors, for every 100 names, | | 2 | 6 |
| | Making up and transmitting to Inspector General Estreats each Session, | | 5 | 0 |
| | Drawing Indictment, | | 10 | 0 |
| 48, G. III, Ch. 13. Sec. 3. | Making List of Jurors Assessed over £200 for Sheriff per Annum, | | 5 | 0 |
| 50 G. III, C. 1, s. 3. | Entering Record of each New Road, | | 5 | 0 |
| 56 G. III, c. 3, s. 5. | Certifying and transmitting Inspector's List, | 2 | 0 | 0 |
| 59, G III, Chap. 7. Sec. 7. | Making up Assessment and transmitting Collectors' Rolls, | 1 | 10 | 0 |
| Sec. 17. | Aggregate Account of Assessment, | 1 | 10 | 0 |
| 1 Vic. ch. 21, sec. 45 | Return of District population to the Government office, for each copy, | | | 0 |
| 6 W IV, c. 4, s. 8. | For causing the names of persons taking out License to be published in two Newspapers, for each copy, | 1 | 10 | 0 |
| 48 G. III. c. 10, s. 6. | Making up List of Lands claimed every three months and affixing it publicly in the Court House, | | 5 | 0 |
| 50 G. III, c. 1, s. 3 | Receiving and submitting the Report of Surveyor of High Ways of any alteration or intended New Road to the Magistrates in General Quarter Sessions, | 1 | 0 | 0 |
| | | | 1 | 0 |

| Amount. | | |
|---|---|---|
| 0 | 0 | |
| 10 | 0 | |
| 10 | 0 | |
| 1 | 0 | |
| 2 | 6 | |
| 5 | 0 | |
| 10 | 0 | |
| 5 | 0 | |
| 5 | 0 | |
| 0 | 0 | |
| 10 | 0 | |
| 10 | 0 | |
| | 0 | |
| 10 | 0 | |
| 5 | 0 | |
| 0 | 0 | |
| 1 | 0 | |



| | | | | |
|---|---|---|---|---|
| 50 G. III, c. 1, s. 3 | Entering of Record the order of Sessions of Confirmation of Road Report of the Surveyor of High Ways when no opposition is made thereto, | | 1 | 0 |
| | Entering every alteration made in the Report of the Surveyors of High Ways, | | 2 | 6 |
| | Empannelling and Swearing Jury, | | 5 | 0 |
| | Annulling, Confirming or modifying any Road Report when opposition is made, and swearing witnesses, | | 7 | 6 |
| | Receiving and Entering Verdict, | | 2 | 6 |
| | Making Record entry in a Book kept for that purpose, | | 5 | 0 |
| | Empannelling, Swearing, and Charging Jury to assess damages for Road taken, | | 5 | 0 |
| | Receiving Verdict and making entry, | | 2 | 6 |
| 56 G. III, c. 3, s. 4, | Receiving and filing quarterly return of the Inspectors of Licenses for Licenses Issued, | | 1 | 0 |
| 59 G. III, c. 2, s. 7 | Transmitting to the Inspector General quarterly a statement of the rates imposed by the Magistrates on all Licenses, | | 5 | 0 |
| | Making up record of Aggregate statement of all the Assessments in the District, each | 1 | 10 | 0 |
| 8 G. IV, chap. 4. | Making up Annually a Statement in detail of the District Accounts for Publication in some News Paper in the District, | 2 | 10 | 0 |
| 8 G. IV, c. 4, s. 2 | Making up Copy of District Accounts in detail and putting up the same in the Court House, | 2 | 10 | 0 |
| 3 W. IV, c. 1, s. 4 | Making up Books in Duplicate and transmiting to the Secretary (one) of the Province of all orders of Sessions making alterations of divisions in the court of Request, | 1 | 10 | 0 |
| | Transmiting every order of Sessions to the respective Divisions of the Court of Request with notice and Letter, (each, ) | | 2 | 6 |
| 7 W. IV, c. 18, s. 3 | Making out and delivering to the Treasurer a list of all the orders granted at each court of General Quarter Sessions, | | 5 | 0 |
| 7 W. IV, c. 24, s. 2 | For Assessing by roll the amount of rate to be levied for the Erection of a House of Industry, each | 1 | 0 | 0 |
| | For Copy to be published in some news-paper or affixing on the door of the Court House the Amount ordered to be levied, | | 5 | 0 |
| | Receiving and filing presentment of the Grand Jury on the necessity of a House of Industry, | | 2 | 0 |

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|---|---|---|---|
| 7 W.IV, c.24,s.30 | For adding and proportioning the Assessment to be levied on each person for and towards the Erection of a New Gaol and Court House in the District of Brock each Township, | | |
| 1 Vic. chap. 17. | Making calculations of proportion and extending on each Assessment List the rates and proportion for payment of Members Wages, | 15 | 0 |
| 1 Vic. c. 19, s. 19 | Making up Assessment on the Inhabitants of the District for costs and charges that may arise touching the disputed boundary or boundaries of the District of Brock, each township, | 15 | 0 |
| 1 Vic. chap. 21 | Making up Report of defaulters to Magistrates, | 15 | 0 |
| | Making and granting certificates to Township Clerk, | 2 | 6 |
| | Drawing up oath or affirmation and administering the same, | 2 | 6 |
| | Submitting List of Assessment to the Magistrates in General Quarter Session and entering record, | 2 | 6 |
| | Order of Sessions thereon, each | 2 | 6 |
| Sec. 41 | Making up Blank Books, ruled and headed for taking Assessment, also population and absentee lands, each Township, | 1 | 0 |
| | Making report to Magistrates of all Assessors who shall not have delivered their Assessment Lists as required by Law, each report, | 5 | 0 |
| | Examining each Assessor's Roll, | 1 | 0 |
| | Certifying copy of Assessment Rolls to Collectors as being correct and taking receipt for the same, | 2 | 6 |
| | Drawing up warrant of distress to distrain the goods and chattels of Collectors, who shall not have collected the rates and Assessment of the Township for the preceding year. | 2 | 6 |
| | Drawing up Warrant of distress to distrain the goods and chattels of Collectors' Sureties, | 10 | 0 |
| | Drawing up oath of Assessor, | 10 | 0 |
| | | 2 | 6 |

| | | | | |
|---|---|---|---|---|
| 1 Vic. c. 21, s. 41 | Every Record copy of Assessment for drawing up and transmitting authority to each Collector for collecting the Assessment for the current year, | | 5 | 0 |
| | Making up and transmiting to the Treasurers' Office a statement of Fees due and payable to the Assessors, Collectors and Township clerks, stating the rate per centage and amount due each person, | 1 | 10 | 0 |
| | Making up Record copy and Entry, | | 10 | 0 |
| | Making up statement of all monies liable to be collected by each Collector of Townships in each year shewing the amount rated or Assessed under Acts of Parliament and for what purpose collected, for the Treasurer's Office and transmitting, | 1 | 10 | 0 |
| | Record copy of same. | | 10 | 0 |
| 1 Vic. c. 21, s. 8, | Searching Record of township clerk's returns of proceedings at Township meetings and report thereon, | | 1 | 3 |
| 1 Vic. chap. 37 | Making calculations and proportion on each Assessment List, the rate and proportion to be levied and made on each Inhabitant for the building a new Gaol | | 15 | 0 |
| Order of Sessions, | Transcribing in detail all Lands returned by the several Assessors of Townships for the Treasurer's Office, | 20 | 0 | 0 |
| 37 G. III, c. 7, s.2 | Drawing certificate of Dower, | | 5 | 0 |
| 45 G. III, c.2, s. 8 | Certifying claims under the devisee Act, | | 2 | 6 |
| 47 G. III, c.11,s.1 | Drawing up Indictment, | | 10 | 0 |
| | Bench Warrant, | | 5 | 0 |
| | Recognizance, | | 5 | 0 |
| | Discharging Recognizance, | | 2 | 6 |
| | Subpoena, | | 2 | 6 |
| | Writ of Certiori, | | 5 | 0 |
| 2 G. IV, c. 14, s.2 | Drawing Certificate of alienation of Estate of Femme Covert. | | 5 | 0 |
| 4 G. IV, chap. 15 | Receiving and filing application of persons to the Sessions to be licensed to keep Ale and Beer Houses, | | 1 | 0 |
| | Recognizance, | | 2 | 6 |
| | License, | | 2 | 6 |
| | Transmitting to Receiver General amount of License and writing letter, | | 2 | 0 |
| 1 W. IV, chap. 1 | Receiving and filing applications of Ministers to celebrate the ceremony of marriage, | | 1 | 0 |
| | Drawing out Licence, | | 5 | 0 |

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|---|---|---|---|---|
| 1 W. IV. chap. 1. | Administering Oath of Allegiance, and granting certificate, | | 2 | 6 |
| 1 W. IV, c. 1, s. 6 | Registering marriage Certificate, | | 2 | 6 |
| 4 W. IV, chap. 4 | Receiving and filing appeal and notice to Court of General Quarter Sessions from the decision of magistrates under the summary punishment Act, each | | 2 | 0 |
| | Empannelling, swearing and charging jury, receiving verdict, recording judgment, swearing witnesses and filing exhibits, bill of costs and fining, | | 12 | 6 |
| 6 W.IV, c.111,s.3 | Making up extracts or rolls and warrants in duplicate and transmitting one copy to Sheriff and drawing up oath, | | 15 | 0 |
| | Receiving and transmitting the duplicate on return from the Sheriff to the Receiver General | | 2 | 6 |
| | Estreating Recognizances at the General Quarter Sessions, | | 5 | 0 |
| Payable by parties litigant except, by, and in cases of Larceny before the Sessions. | Receiving and filing indictment from Grand Jury, | | 2 | 0 |
| | Arraigning prisoner, | | 2 | 6 |
| | Empannelling and swearing Jury and witnesses, | | 2 | 6 |
| | Entering plea, | | 2 | 6 |
| | Charging Jury, | | 2 | 6 |
| | Receiving Verdict, | | 2 | 6 |
| | Recording Judgment, | | 2 | 6 |
| | Bill of cost and filing | | 2 | 0 |
| | Every Subpoena ticket, | | 1 | 0 |
| | Every certificate and administering the oath of Allegiance in open court, | | 2 | 6 |
| | Receiving application and taking recognizance of persons applying to be licensed Innkeepers, | | 5 | 0 |
| | Certificate to Inspector that recognizances have been entered and the same filed, | | 2 | 6 |
| | Copy of Regulations, | | 2 | 6 |
| 4 G. IV, chp. 7 | Certifying claims of Assignees under the Heir and Devisee Act and proclaiming same in court of General Quarter Sessions, | | 5 | 0 |
| 6 G. IV, chap. 26 | Making up warrant to the Sheriff for the sale of a portion of each lot returned as absentee Lands, | | 10 | 0 |
| 3 W. IV, chap. 13 | Drawing up Rolls of oaths to be administered to magistrates and others, on the issue of a new commission, | 2 | 10 | 0 |

| | | | | |
|---|---|---|---|---|
| 3 W IV, chap 13. | Swearing each person, | | 1 | 0 |
| 7 W. IV, c. 4, s. 8 | Taking and filing every affadavit of a mother of a bastard child, | | 2 | 6 |
| 7 W. IV, c. 4, s. 18 | Receiving and presenting to the magistrates in General Quarter Sessions each demand against the District, | | 1 | 0 |
| By Order of Court of Qr. Sessions. | Drawing out each order or check made by order of court, | | | 6 |
| | For filing each paper, | | 1 | 0 |

## SHERIFF'S FEES.

| | | | |
|---|---|---|---|
| Attending Assizes or General Quarter Sessions of the Peace per diem, | | 12 | 6 |
| Summoning Juries for Assizes or Sessions, each, | 6 | 0 | 0 |
| Bringing up prisoners for trial or punishment, each, | | 10 | 0 |
| Making calender for Assizes or court of General Quarter Sessions each, | | 10 | 0 |
| Making Quarterly Returns of the state of the Gaol for the Government Office, | 1 | 5 | 0 |
| For conveying prisoners under sentence to the Penitentiary at Kingston when necessarily employed, per diem, | 1 | 5 | 0 |
| Guards or assistants when actually or necessarily employed for every day and night or twenty four hours, | | 12 | 6 |
| Serving Warrants, | | 5 | 0 |
| Serving Subpeona, | | 1 | 3 |
| Necessary travel to make service per mile, | | | 6 |
| Advertising, holding Court of Assize or General Quarter Sessions, | 1 | 0 | 0 |
| Making monthly returns of all Prisoners confined in Gaol to the Government Office in obedience to a circular dated 25th of July 1833, | | 15 | 0 |
| Receiving or discharging prisoners confined without trial, | | 5 | 0 |
| 7 W. IV, c. 19, s. 4 Making up returns to the Secretary of the Province of all Lands sold by him for arrears of Taxes, | 2 | 0 | 0 |

All disbursements actually and necessarily made in conveyance of Prisoners under sentence to the Kingston Penitentiary to be rendered in detail, in the Sheriff's accounts, at each succeeding Session.

## CORONER'S FEES.

| | | | |
|---|---|---|---|
| Warrant to summon a Jury, | | 3 | 9 |
| Impannelling a Jury, | | 10 | 0 |
| Summons for Witnesses, | | 2 | 6 |
| Information or examination of Witnesses each, | | 1 | 3 |
| Taking every Recognizance, | | 2 | 6 |
| Necessary travel to take inquest per mile, | | 1 | 0 |
| Taking Inquisition, | 1 | 0 | 0 |
| Warrant to Bury, | | 3 | 9 |
| Warrant to disinhume, | | 3 | 9 |
| Warrants to apprehend and commit, each, | | 3 | 9 |
| Warrant for contempt, | | 3 | 9 |
| Making return of Inquisition, | | 2 | 6 |
| Certifying proceedings when necessary for Crown Office, | | 10 | 0 |
| For Post Mortem Examination, | 2 | 0 | 0 |

Ordered that the canstable or Bailiff be allowed such fees, for all Services performed under this authority of a Coroner as are paid for like services in the court of General Quarter Sessions of the Peace.

## TREASURER.

| | | | | |
|---|---|---|---|---|
| 59 G. III, ch. 7. | Provides for the Treasurer's receiving Four per cent on all monies passing through his hands, | | | |
| | Every account furnished under 6th G. IV, relative to the return and sale of Absentee Lands, passed in 1825, | 5 | 0 | 0 |

## MEDICAL ATTENDANT.

| | | | | |
|---|---|---|---|---|
| Order of Sessions. | Attending on the prisoners in Gaol and finding medicines per annum, | 25 | 0 | 0 |

## CRIER.

| | | | | |
|---|---|---|---|---|
| Order of Sessions. | Attending the several courts per annum, | 25 | 0 | 0 |

## HIGH CONSTABLE.

| | | | | |
|---|---|---|---|---|
| Do. | Attending the several courts per annum, | 25 | 0 | 0 |

## GAOLER.

| | | | | |
|---|---|---|---|---|
| 32 G. III, c. 8. Order of Sessions, | Attending on the Prisoners as Gaoler, Salary per annum, | 100 | 0 | 0 |

## CONSTABLE AND BAILIFF'S FEES.

| | | |
|---|---|---|
| Serving a Warrant, | 5 | 0 |
| Serving summons under the summary punishment Act or other authority, | 2 | 6 |
| Serving subpœnas, | 1 | 3 |

| | | |
|---|---|---|
| Necessary travel to make service of any process connected with the Court of General Quarter Sessions of the Peace per mile, | | 6 |
| Necessary travel to make service of any process under the summary punishment Act per mile, | | 4 |
| Attending at the Court of Oyer and Terminer or General Quarter Sessions of the Peace per diem, | 5 | 0 |
| Attending or when acting under the authority of the Magistrates at trials or examinations under the summary punishment Act or other authority per diem, | 5 | 0 |
| Keeping prisoners in custody except when conveying them to Gaol per diem, | 5 | 0 |
| Necessary travel to convey prisoners to Gaol per mile, | 1 | 0 |
| Hire of carriages or sleighs drawn by two horses when actually necessary or when employed by order of Magistrate per diem | 15 | 0 |
| Hire of carriages or sleighs drawn by one horse when actually necessary or when employed by order of a Magistrate, per diem, | 10 | 0 |
| Hire of a single Horse when actually necessary or when employed by order of a Magistrate per diem, | 5 | 0 |
| Subsistance for prisoner in custody when actually necessary or by order of a Magistrate per diem not to exceed, | 2 | 6 |

In open Court of General Quarter Sessions of the Peace held at London on the 18th day of April, pursuant to adjournment,

It is ordered that the foregoing Table or Scale of Fees be approved and adopted in this Court, and that the same shall be the Established Scale of Fees in this Court.

J. B. CLENCH, *Chairman*

The following Magistrates being present

JOSEPH B. CLENCH, *Chairman*,

ISAAC DRAPER,
EDWARD ERMATINGER,
SHEPHARD M'CORMICK,
JOHN DOUGLAS,
JOHN M'DOUGAL,
DUNCAN M'KENZIE,
J. K. WOODWARD,
L. LAWRASON,
THOMAS CRONYN,
JOHN BURN,
PHILIP GRAHAM,
JOHN M'DONALD,
HENRY WARREN,
BENJAMIN WILSON,
CHARLES PRIOR,
ANDREW DOBIE,
PHILIP HODGKINSON,
ALEXANDER SINCLAIR,

WALTER M'KENZIE,
J. S. BUCHANAN,
WILLIAM HEATLIE,
W. F. GOODING,

GEORGE MOORE,
HENRY CARROLL,
RICHARD BROWN,
JOHN FRAZER.

[A true copy.]

J. B. ASKIN, *C. Peace.*

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# Report on Petition, &c.

*To their Worships the Magistrates of the District of London Assembled in General Quarter Sessions of the Peace in April* 1839.

BY ORDER, 12th of April, 1839, a printed Petition to the Magistrates, bearing the Subscription of John Burwell, J. P. was referred to a Committee to examine and Report, and by two orders of 13th April, the same Petition with further signatures and a letter accompanying the same was also referred.

The reference to your Committee is confined to the duty of examining into the allegations contained in the Petition, which would render irrelevant any observations your Committee were otherwise disposed to make on the means taken to circulate the accusations contained in it.

Your Committee find as stated in the Petition, that 27 Magistrates were present at the April General Quarter Sessions for 1837, and that a Committee of 7 was appointed to agree upon a Scale of Fees, and to report, also that the Chairman made out some Extracts of Fees, but these on reference were found to be incorrect by the Committee and afforded them no assistance in the prosecution of their labours.

Your Committee have called before them and examined Mr. Whitehead the Chairman of the Committee on the Table of Fees, who has stated several reasons for the delay which has occurred, and which he has informed your Committee are entered at full length in a report from that Committee about to be presented.

But whatever may have been the conduct of the Committee on Fees, your Committee cannot but condemn the strong language made use of in the Petition, as regards the want of a Table of Fees; a measure adopted in all Courts merely as matter of convenience, that the time of those appointed to examine accounts, may not be unnecessarily taken up in discussing charges for duties of every day occurence, for whether there be a Table of Fees or not, all accounts require to be audited.

When therefore your Committee look at the pompous verbosity of the 1st and 2d Reasons, stating the acknowledged truism of the pure source of Justice and the necessity for its equal administration, and find it gravely stated that the purity of the stream may be sullied, or the balance of the Beam destroyed by the discussion, whether a constable shall be paid 6d or 4d per mile for apprehending a thief, your Committee think that Mr. Burwell has arrived at a "most lame and impotent conclusion."

Mr. Burwell on being questioned admits the 3rd reason to be merely a general remark.

As regards the 4th Reason, taken by itself the accusation is too general to admit of examination. If the Bench permit the Clerk of the Peace to dictate to them, that Officer becomes the master instead of the servant of the Court, and in Justice to the Individual now holding that important station, your Committee feel bound to record their high opinion of his useful services, and to repudiate the idea of any attempt on his part, so far as is consistent with their own experience "to use the authority of the Bench as a Cloak."

In prosecuting their enquiry on the 5th Reason your Committee having called Mr. Burwell before them, find that the order for £186 was paid to the Clerk of the Peace by the recommendation of the Committee of accounts in April 1837, on application from that Officer that he had not then time to make up his accounts, and the amount of the previous year was fixed upon as the guide. Your Committee have examined the members of that Committee, who all state that Mr. Burwell as one of their number concurred in the recommendation. This statement is denied by Mr. Burwell, who asserts that he protested against the order on the ground, that payment of certain *Extra* services had been made in the previous year, which could not occur again, and that consideration was not had of this circumstance in the payment recommended by the Committee of accounts. Your Committee are of opinion on the evidence brought before them, that Mr. Burwell's assertion is entitled to no credit, and is contradicted by the written and oral testimony before them; Mr. Whitehead the Chairman of that Committee expressly states that the amount was to be subject to revision on production of the accounts in detail.

Your Committee do not conceive any further remark necessary, and in concluding their report have to state that the two charges made against the Bench are in their opinion frivolous and vexatious, and even supposing them not to be so, Mr. Burwell was a member of the Committee on the Table of Fees, and of that for the account of 1837, which passed the order mentioned in the 5th Reason; this must throw upon himself a portion of the blame he is so anxious should be entirely borne by others of the Magistracy.

(Signed) H. HYNDMAN, *Chairman.*

*Report adopted in open Court of General Quarter Sessions, this 13th day of April,* 1839.

(Signed) J. B. CLENCH, *Chairman.*

*A true Copy,* J. B. ASKIN, C. P.